

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CALIFORNIA DEPARTMENT OF  
MOTOR VEHICLES,

Plaintiff,

v.

ROSALIE GUANCIONE,

Defendant.

Case No. [5:22-cv-04894-EJD](#)

**ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE  
REMANDED**

On August 26, 2022, pro se Defendant Rosalie Guancione removed this proceeding from the California Department of Motor Vehicles (“DMV”) Administrative Court pursuant to 28 U.S.C. §§ 1441 and 1443, crossclaiming for conspiracy to deprive her right to travel under 42 U.S.C. § 1985 and alleging violations of her First, Fourth, Fifth, Seventh, and Fourteenth Amendment rights. *See* Notice of Removal, Dkt. No. 1. Defendant subsequently moved to proceed in forma pauperis, stay proceedings, enter default, and to dismiss the DMV’s complaint. *See* Dkt. Nos. 3, 5, 15, 17.

Section 1441(a) authorizes removal of actions that are brought in a state court of which a district court has original jurisdiction. 28 U.S.C. § 1441(a). A “state court” does not include removal of proceedings from an administrative agency even if it conducts “court-like proceedings.” *Oregon Bureau of Lab. & Indus. ex rel. Richardson v. U.S. W. Commc’ns, Inc.*, 288 F.3d 414, 417, 419 (9th Cir. 2002) (remanding proceedings that were removed from the Oregon Bureau of Labor and Industries because “[t]he statute authorizes removal only if the action is pending in a state court.”). Ms. Guancione removed her DMV file from a state administrative

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OSC WHY ACTION SHOULD NOT BE REMANDED

1 agency, the California Department of Motor Vehicles, rather than a state court.

2 The Court possesses the inherent power to dismiss an action sua sponte “to achieve the  
3 orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33  
4 (1962). Ms. Guancione is directed to file a written response to this order by **Friday, October 21,**  
5 **2022** and show cause why this action should not be remanded for lack of removal jurisdiction. If  
6 Plaintiff fails to file a written response by the above deadline, the Clerk of Court will be directed  
7 to remand the proceeding to the California Department of Motor Vehicles Administrative Court  
8 and close the file.

9 **IT IS SO ORDERED.**

10 Dated: October 14, 2022

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13 EDWARD J. DAVILA  
14 United States District Judge  
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